

**EMERGENCY SERVICES REFORM AMENDMENT BILL 2023; STATE EMERGENCY SERVICE BILL 2023;
MARINE RESCUE QUEENSLAND BILL 2023**

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COUNCIL'S SUBMISSION TO THE QUEENSLAND PARLIAMENTARY SERVICE'S COMMUNITY SUPPORT AND SERVICES COMMITTEE ON THE STATE EMERGENCY SERVICE BILL 2023

This submission is made on behalf of Brisbane City Council (**Council**) in relation to the Emergency Services Reform Amendment Bill 2023 (**Reform Bill**), the State Emergency Service Bill 2023 (**SES Bill**) and the Marine Rescue Queensland Bill 2023 (**Marine Bill**).

Council is supportive of the legislative reform of Queensland's emergency services and disaster management arrangement and naturally limits its comments to matters that directly impact upon Council. The comments are made based on Council's relatively unique size and contribution to the State Emergency Service (SES) and reflect practical impacts of the provisions under the SES Bill.

In that regard, Council's comments are as follows:

1. *Clause 21 (Suspension of SES local government employee or SES volunteer) of the SES Bill* – With respect to the employment obligations of Council, the ability for the Commissioner to suspend a local government employee creates a significant risk for Council.

As a local government employee is subject to relevant industrial instruments, including processes for matters such as suspension and termination, the Commissioner's determination to suspend a local government employee could create a legal and financial liability for Council.

Further, in circumstances where the Commissioner determines, for the proper and efficient management of the SES, that the local government employee should be suspended, Council could be required to find alternative employment for an employee that was appointed by the Commissioner.

Therefore, Council requests that this provision be revisited, at least in the circumstances of Brisbane, to ensure that Council has an active role to play in this process.

2. *Clause 24 (Local controller of SES unit) of the SES Bill* – Council acknowledges that this provision is not a new provision, but the opportunity that this reform presents is to ensure the most efficient interplay of the relationship between a local government and the Commissioner.

A local controller employed by Council relevantly would undertake the matters that are listed in clause 25 of the SES Bill. For this submission, those functions can be broken down into two distinct, but equally important, streams. Firstly, the operational requirements of the SES which fall under the powers of the Commissioner and secondly, the management of Council's assets (including all necessary equipment) and its ongoing maintenance.

While the matters are related in operation, the obligations are very much distinct. The employment relationship is the responsibility of Council as are the associated liabilities that come with that relationship. This includes Council ensuring that its employee is afforded all rights under relevant industrial instruments. It is, therefore, problematic that the Commissioner has the final approval as to who is employed by Council in the local controller position. While Council appreciates that it has a nomination role, the binding decision is not made by the ultimate employer.

Council requests that this provision be revisited, at least in the circumstances of Brisbane, to permit the final decision on employment of the local controller to be made by Council in consultation with the Commissioner.

Council would welcome the opportunity to discuss this submission, to ensure that the policy objectives of the SES Bill are met, without creating unintended impacts on critical Council operations.

If you would like to discuss Council's submission, please contact Mr Howard Lovitt, General Manager, City Resilience, City Administration and Governance, on [REDACTED] [REDACTED] [REDACTED] or by email [REDACTED]